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## Appeal Decisions

Site visit made on 10 November 2020

**by S Edwards MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 January 2021**

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### **Appeal A Ref: APP/J0405/W/20/3255251**

#### **Old Arngrove Farm, Brill Road, Boarstall OX33 1DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr J Stacey against Buckinghamshire Council - Aylesbury Area.
  - The application Ref 19/02503/APP is dated 8 July 2019.
  - The development proposed is the lowering of the cills to the openings in the north-eastern elevation; installation of a new concrete floor slab to the former cowshed; installation of Pavatex Pavadentro wood fibre board to the internal face of the existing masonry walls.
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### **Appeal B Ref: APP/J0405/Y/20/3255252**

#### **Old Arngrove Farm, Brill Road, Boarstall OX33 1DG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Mr J Stacey against Buckinghamshire Council - Aylesbury Area.
  - The application Ref 19/02504/ALB is dated 8 July 2019.
  - The works proposed are the lowering of the cills to the openings in the north-eastern elevation; installation of a new concrete floor slab to the former cowshed; installation of Pavatex Pavadentro wood fibre board to the internal face of the existing masonry walls.
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## **Decisions**

### *Appeal A*

1. Appeal A is dismissed, and planning permission for 'the lowering of the cills to the openings in the north-eastern elevation; installation of a new concrete floor slab to the former cowshed; installation of Pavatex Pavadentro wood fibre board to the internal face of the existing masonry walls' is refused.

### *Appeal B*

2. Appeal B is dismissed, and listed building consent for 'the lowering of the cills to the openings in the north-eastern elevation; installation of a new concrete floor slab to the former cowshed; installation of Pavatex Pavadentro wood fibre board to the internal face of the existing masonry walls' is refused.

## **Preliminary Matters**

3. The applications were submitted to Aylesbury Vale District Council. However, on 1 April 2020, Aylesbury Vale District Council ceased to exist and became

part of a new Unitary Authority known as Buckinghamshire Council. I have determined the appeals on this basis.

4. The main modifications to the emerging Vale of Aylesbury Local Plan (eVALP) were subject to a period of public consultation at the end of 2019. Although the eVALP has yet to be found sound, it has nevertheless reached an advanced stage of preparation, and the relevant policies of that Plan can therefore be afforded moderate weight.
5. The proposed development and works affect a listed building, and I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.
6. The appeals are against the Council's failure to give notice, within the prescribed timescales, of decisions on applications for planning permission and listed building consent. However, the Council have confirmed within their submissions that, had the Local Planning Authority been in a position to determine the applications, planning permission and listed building consent would have been refused.

## **Main Issues**

7. The main issues are:

- Whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building known as Old Arngrove Farm; and
- In respect of Appeal A, the effect of the proposal on protected species.

## **Reasons**

### *Heritage Assets*

8. Located in an area of rural character, the appeal property is a Grade II listed farmhouse dating from the 17<sup>th</sup> century, which is accessed via a tree lined driveway and sits within spacious grounds. The proposed development and works relate to the outbuildings attached to the farmhouse, which are referred within the listing description and were historically used as cow and cart sheds, and a car port.
9. Despite being attached to the main farmhouse, these outbuildings retain a subservient relationship to the host building, due to their characteristic form and simpler detailing. A barn lies on the opposite side of the courtyard. The significance of these designated heritage assets derives primarily from their architectural and historic interest, as a collection of utilitarian agricultural buildings associated with a traditional farmstead, which are arranged around a central courtyard.
10. Planning permission<sup>1</sup> and listed building consent<sup>2</sup> were granted by the Council in February 2019 for 'internal alterations to the main farmhouse, and conversion of the historic cow and cart sheds to accommodate modern family

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<sup>1</sup> Local Planning Authority Reference 18/02901/APP.

<sup>2</sup> Local Planning Authority Reference 18/02902/APP.

living'. The conversion of the former cow and cart sheds into additional residential accommodation were therefore accepted as part of the previous scheme. This was however subject to the retention or re-use of original materials, to ensure that as much as possible of the historic fabric would be retained as part of the conversion works.

11. The proposed development and works now seek to introduce a number of changes to the previously consented scheme, notably to the north-eastern (rear) elevation of the former cow shed, which has partially collapsed. It is currently braced and partly clad with corrugated iron sheets, and therefore works are required to provide a stable structure to support the roof.
12. The appeal scheme would include the formation of double-glazed doors with timber shutters to the north-eastern elevation of the cow shed, instead of four square windows and a door with shutters. The proposed works would result in the introduction of larger areas of glazing to the northern-elevation of the former cow shed. These alterations would not only give the converted building an overtly domestic appearance, but also dilute its original character as a functional, agricultural building, to the detriment of its significance. The identified harm could not be satisfactorily addressed by the proposed shutters, which would not screen the extent of the glazing at all times.
13. With regard to the flooring of the former cow shed, the existing brickwork within the northern part of the building is to be removed and re-laid over a new floor substrate with lime mortar pointing. The appeal scheme includes the construction of a concrete slab, in lieu of the previously consented limecrete slab for the southern part of the cow shed. The appellant notably seeks to incorporate appropriate insulation methods although, as a listed building, there is no requirement for the appeal premises to meet current Building Regulations standards.
14. Older buildings generally rely on allowing the moisture which has been absorbed by the fabric to evaporate from the surface. 'Breathable' (or 'permeable') materials have therefore been historically favoured, as they are able to absorb moisture and release it again. However, concrete is known to be a non-breathable material, and its use may therefore result in increased moisture levels, which could trap excess moisture within walls and increase the likelihood of historic fabric decay over time.
15. Although it may have been tightly packed, the original brick flooring would have nevertheless allowed moisture to be absorbed. Whether or not it would be very difficult to achieve a truly breathable slab using limecrete, I have not been presented with substantive evidence to demonstrate that the use of concrete would be preferable to limecrete in that particular instance. Furthermore, I share the concerns raised by the Council regarding the damage which the cement could cause to the bricks, if attempts were made of salvaging them in the future.
16. The appellant's submissions include a Timber Condition Report carried out by FloydConsult, which indicates that the north-eastern elevation of the cow shed is built in elm and birch timbers, two non-durable species. This could explain why the existing frame has not performed well. Therefore, the appellant's structural engineer strongly recommends the north-eastern elevation to be rebuilt using oak. Having regard to the available evidence, it would not be sustainable to re-use non-durable materials to rebuild this part of the building.

Accordingly, I find that the loss of part of the building's historic fabric in respect of the north-eastern elevation is inevitable.

17. The appeal scheme seeks to provide additional breathable insulation to the solid construction walls. This would hide the building's brickwork which, historically, would have been exposed, and therefore contributes to the special interest of this designated heritage asset as a former agricultural structure. The appeal building would be heated, and insulation would be provided within the roofspace and within the north-eastern wall. Taking these considerations into account, as well as the inevitable loss of historic fabric detailed above, there is no justification for covering the internal brickwork to such a large extent. These works would have a detrimental effect on the significance of this listed building, and have a harmful effect on its understanding and appreciation.
18. Overall, the proposed development and works would cause less than substantial harm to the special architectural and historic interest of the Grade II listed farmhouse and attached buildings. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) advises that the harm identified should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. Whilst the proposed development and works would bring the former cow and cart sheds back into viable use, so would the previously approved scheme. I attach significant weight to the grant of planning permission and listed building consent issued in February 2019, not least because they may represent a 'fallback' which the appellant could implement in full, but also as an indication that some acceptable works can be carried out to enable the conversion of these former agricultural buildings. I therefore find that the benefits of the proposed development and works over the approved scheme would not outweigh the identified harm.
20. The current proposal would enhance the living environment for the existing occupiers, notably by providing additional natural light and insulation as part of the conversion works to create further accommodation, but these would constitute private benefits. Any alterations would need to be undertaken in a manner which does not prejudice the significance of this designated heritage asset.
21. For the foregoing reasons, the proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building. The appeal scheme would therefore fail to meet the requirements of sections 16 and 66 of the Act and section 16 of the Framework. It would also be contrary to Saved Policies GP35 and RE11 of the Aylesbury Vale District Local Plan (AVDLP), and Policies S1, BE1, BE2 and C1 of the eVALP, and the Council's Conversion of Traditional Farm Buildings Design Guide 2. Amongst other things, those policies seek to ensure that development proposals respect and complement the area's local distinctiveness and vernacular character of the area, whilst preserving or enhancing its historic environment. As noted above, I only attach moderate weight to the conflict with emerging policies, which do not presently form part of the development plan.
22. The appellant considers that the level of building recording required by one of the conditions attached as part of the Council's previous decision to grant listed building consent were excessively onerous, a position which is accepted by the

Council. Had I been minded to allow Appeal B, it would have been considered appropriate to impose a condition requiring less extensive measures.

### *Protected Species*

23. The appeal proposal was accompanied by an Ecological Appraisal and a Bat Survey Report, which were prepared by Hancock Duckett Associates in April 2018 and July 2018 respectively in support of the previous planning application. The surveys, which are now more than two years old, have ascertained the presence of bat roosts within the former cow and cart sheds, and identified that five different species/species groups of bats were foraging and commuting within the site.
24. As detailed within the Bat Survey Report, the identified roosts could not be retained due to the nature of the proposal, which would result in the former cow and cart sheds being refurbished. As the proposal could result in a breach of the protection afforded to bats by the Habitats Regulations, a European Protected Species (EPS) licence would have to be obtained from Natural England prior to commencement of the redevelopment works affecting roosting bats. Alternatively, the proposed development and works would need to be carried out under a Low Impact licence.
25. Although there is an extant planning permission consent for a similar scheme, the works are unable to proceed until appropriate licences have been issued by Natural England who, as noted by the main parties, would require updated bat surveys for the purposes of the licensing application. Whilst there is no requirement that a licence is issued prior to the approval of planning permission, the decision-maker nevertheless needs to be satisfied that there would be a reasonable prospect of the licence being granted.
26. Given the age of the Ecological Appraisal and Bat Survey, which do not appear to have been updated as part of the current proposal, I am unable to assess the effect of the proposed development on bats and their habitat. This is particularly important due to the transient nature of these protected species, and the mitigation measures which may be required, depending on the outcomes of the surveys. Furthermore, on the evidence before me, it cannot be ascertained whether there is a reasonable prospect of Natural England issuing a licence. As the presence of bats has been previously established on the site, a precautionary approach is therefore justified in this instance.
27. Consequently, I find that the proposal would conflict with paragraph 170 of the Framework, which seeks to ensure that new developments minimise impacts on and provide net gains for biodiversity. It would also be contrary to Policy NE1 of the eVALP, which seeks to protect and enhance biodiversity and geodiversity.

### **Other Matters**

28. As noted above, the gate piers are separately listed. No concerns have been raised by the Council in respect of the effect of the proposed development and works on the setting of this designated heritage asset, and there are no reasons for me to reach a different view. I am therefore satisfied that the appeal scheme would preserve the setting of the listed gate piers.

## **Conclusion**

29. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

*S Edwards*

INSPECTOR